

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCILMAN DUGAN, WHO MOVED ITS ADOPTION  
SECONDED BY COUNCILWOMAN POPE

WHEREAS, at a meeting held on October 25, 2021 the Town Board discussed holding a public hearing on the following proposed “Local Law No. 12 of the Year 2021” known as “2021 local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4,”

WHEREAS, the Town Board feels that it is essential and necessary to solicit opinions and input from the residents of the Town of Newstead on this topic,

WHEREAS, Councilman Dugan introduced the following proposed “Local Law No. 12 of the Year 2021” known as “2021 local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4” and presented a copy to each member of the Town Board, which Local Law reads as follows:

A Local Law known as Local Law No 12 of the year 2021 entitled “A local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4”

Be it enacted by the Town of Newstead County of Erie as follows:

### **Section 1. Legislative Intent**

It is the intent of this local law to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Newstead that would otherwise be allowed under Cannabis Law Article 4.

### **Section 2. Authority**

This local law is adopted pursuant to Cannabis Law § 131 which expressly authorizes the town board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town and is subject to a permissive referendum, the procedure of which is governed by Municipal Home Rule Law § 24.

### **Section 3. Local Opt-Out**

The Town Board of the Town of Newstead hereby opts out of allowing cannabis retail dispensaries and onsite cannabis consumption sites from being established and operated within the town’s jurisdiction.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

### **Section 5. Permissive Referendum/Referendum on Petition**

This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

### **Section 5. Effective date.**

This local law shall take effect immediately upon filing with the Secretary of State.

**NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 8th day of November 2021, for the purpose of hearing all persons interested in the proposed Local Law No. 12 of the Year 2021; and

**BE, IT FURTHER ORDERED**, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than ten days before the date of the Public Hearing; and

**BE, IT FURTHER ORDERED**, that the Town Clerk is to make copies of the proposed "Local Law No. 12 of the Year 2021," entitled "2021 local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to roll call vote at a regular meeting of the Town Board on October 25, 2021, the results of which were as follows:

Councilwoman	Pope	Voted AYE
Councilman	Burke	Voted AYE
Councilman	Dugan	Voted AYE
Councilman	Jendrowski	Voted AYE
Supervisor	Cummings	Voted AYE

LEGAL NOTICE  
NOTICE OF PUBLIC HEARING  
TOWN OF NEWSTEAD, NEW YORK

PLEASE TAKE NOTICE, that there has been presented to the Town Board on October 25, 2021, for adoption a proposed Local Law to be known as "Local Law No. 12 of the Year 2021" entitled "2021 local law to opt out of allowing cannabis retail dispensaries and on-site consumption sites as authorized under Cannabis Law Article 4." The purpose of this local law is to opt out of allowing cannabis retail dispensaries and on-site cannabis consumption sites in the Town of Newstead that would otherwise be allowed under Cannabis Law Article 4

THEREFORE, pursuant to the Municipal Home Rule Law Rules and Local Law No. 12, the Town Board of the Town of Newstead shall hold a Public Hearing on the aforesaid Local Law at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:25 p.m. on the 8th day of November 2021, at which time persons interested may be heard. Copies of the aforesaid proposed Local Law are available at the office of the Town Clerk for inspection and distribution to any interested person during business hours. The meeting room is wheelchair accessible. Those needing special arrangements should call the Town Hall at 542-4573 by November 3, 2021.

Dated: October 25, 2021

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF NEWSTEAD